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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,511	04/01/2004	Doree Duncan Seligmann	630-067US	8627
47912	7590	09/16/2008		
Avaya DEMONT & BREYER, LLC 100 COMMONS WAY, STE 250 HOLMDEL, NJ 07733			EXAMINER KAMPURIA, SHARAD K	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 09/16/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dblaw.com

Office Action Summary

Application No.

10/816,511

Applicant(s)

SELIGMANN, DOREE DUNCAN

Examiner

SHARAD RAMPURIA

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 8, 9, 14-22, 36-44 and 64-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 9, 14-22, 36-44 and 64-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 8-9, 14-22, 36-44, and 64-75 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Phillips; W. Garland** [US 6748195 B1].

As per claims 1, 64, 71, **Phillips** teaches:

A method (Abstract) comprising:

Receiving at a mobile telecommunications terminal a command that reads the value of a datum, (e.g. receiving at a mobile telecommunications terminal a command; Col.7; 18-30) and

Determining whether to execute said command based on said geo-location of said mobile telecommunications terminal and on said value. (e.g. determining whether to execute said command; Col.6; 49-67).

As per claims 2, 15, 37, 18, 40, 72, **Phillips** teaches:

The method of claims 1, wherein the determination whether to execute said command is also based on the identity of the user of said mobile telecommunications terminal. (e.g. a device's identity; Col.2; 61-63)

As per claims 3, 16, 38, 66, 70, 73, Phillips teaches:

The method of claims 1, wherein the determination whether to execute said command also based on the calendrical time at said mobile telecommunications terminal. (e.g. the time; Col.4; 15-25)

As per claims 6, 68, 75, Phillips teaches the method of claims 1, wherein said perimeter is based on an argument of said command. (e.g. the processing data based on command; Col.6; 11-42)

As per claims 8, 17, 20, 39, 41-42, 69, Phillips teaches:

The method of claims 1, 48, 58, wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on the geo-location at which said value is stored. (e.g. within certain range; Col.6; 49-67)

As per claims 9, 19, Phillips teaches:

The method of claims 1, wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on said descriptor. (e.g. within certain range; Col.7; 18-30)

As per claims 14, 36, **Phillips** teaches:

A method (Abstract) comprising:

Receiving at a mobile telecommunications terminal a request to access content, (e.g. Col.7; 18-30) and

Determining a version of said content to access based on the geo-location of said mobile telecommunications terminal. (e.g. Col.6; 49-67, further explanation Col.5; 66-Col.6; 10)

As per claim 21, 43, Phillips teaches:

The method of claims 14, 36, wherein a first version of said content is associated with a first medium, and wherein a second version of said content is associated with a second medium. (e.g. Col.6; 49-67)

As per claims 22, 44, Phillips teaches:

The method of claims 14, 36, wherein a first version of said content is associated with a first authorization category, and wherein a second version of said content is associated with a second authorization category. (e.g. Col.6; 49-67)

As per claim 67, Phillips teaches the method of claims 64, wherein said perimeter is based on the nature of said command. (e.g. based on the command; Col.6; 49-67)

Response to Amendments & Remarks

Applicant's arguments filed on 07/21/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the identity of the user, the nature of the command (e.g., a **query**, a **command to store data**, a **command to place a call**, a **command to transmit data**, etc.), one or more arguments of a command (e.g., a filename, a command option, etc.), the value of a datum retrieved by a query, the geo-location at which a datum is stored, and calendrical time.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Relating to Claim 1:

In view of the fact, that **PHILLIPS** teaches, "Referring to FIG. 4, a diagram illustrates the exemplary embodiment of the invention as used with a location-based context, for changing the operational behavior of the wireless device in accordance with the present invention. As shown, profiles A, B, and C are associated with three locations: a first location 401, a second location 402, and a third location 403 within which the wireless device travels. The first location 401 can correspond to a user home, the third location 403 can correspond to a user's office and the second location 402 can correspond to everywhere else, except the first and third locations 401 and 403. When the wireless device 12 is located within the first location 401,

it operates in accordance with specified parameters in profile A. While the wireless device 12 is moving from the first location 401 to the third location 403 through the second location 402, it changes its behavior in accordance with specified parameters in profile C. **Once the wireless device 12 is in the third location, its operating mode changes again to correspond to specified parameters in profile B.** FIG. 5 depicts a table that associates home, office, head office and everywhere else locations with the profiles A, B, and C.” (Phillips, Col.6; 49-Col.7; 2). Thus, it is evidently, the explanations above is directed to telecommunications systems and methods for a wireless device uses profiles associated with one or more contexts, which defines various operating situations. Depending on a context, the wireless device changes its operational behavior in accordance with a defined profile, when a context parameter changes, that positively, **read on the value of the command** is anticipated by **PHILLIPS**. Hence, it is believed that **PHILLIPS** still teaches the claimed limitations.

The above arguments also recites for the claims 64, 71, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

Relating to Claim 14:

In view of the fact, that **PHILLIPS** teaches, “The wireless device 12 can also initiate various idle mode procedures. For example, general or limited inquiry procedures provide an initiator device with the device address, clock, Class of Device and used page scan mode of general and limited discoverable devices. A name discovery procedure can be used for

retrieving a device name from a connectable device. A device discovery procedure provides the name of discoverable devices. A bonding procedure can also be used to create a relation between two devices, based on a common link key (a bond). The link key is created and exchanged (pairing) during the bonding procedure and is stored by both devices, to be used for future authentication.” (Phillips, Col.5; 66-Col.6; 10). Thus, it is evidently, the explanations above is directed to telecommunications systems and methods for a wireless device uses profiles associated with one or more contexts, which defines various operating situations. Depending on a context, the wireless device changes its operational behavior in accordance with a defined profile, when a context parameter changes, that positively, **read on the version of the content** is anticipated by **PHILLIPS**. Hence, it is believed that **PHILLIPS** still teaches the claimed limitations.

The above arguments also recites for the claim 36, consequently the response is the same explanation as set forth above with regard to claim 14.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
Art Unit 2617